IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

WP(C).No. 30047 of 2006(B)

PETITIONER:

RIYAD, S/O. ABDUL KAREEM,
AGED 24 YEARS, ANZIL NIVAS,
LEGENETH WARD, ALAPPUZHA.

BY ADV. SRI.SIRAJ KAROLY

RESPONDENTS:
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1. KARUNAGAPPALLY GRAMA PANCHAYAT, REP.
BY ITS SECRETARY, GRAMA PANCHAYAT OFFICE,
P.O.KARUNAGAPPALLY, KOLLAM DISTRICT.

2. RAMACHANDRAN, S/O. NARAYANAN,
CHANDRA BHAVANAM HOUSE,
PADANAYARKULANGARA, THEKKUMURI,
KARUNAGAPPALLY P.O., KOLLAM.

3. THANKAM, W/O. RAMACHANDRAN,
CHANDRA BHAVANAM HOUSE, PADANAYARKULANGARA,
THEKKUMURI, KARUNAGAPPALLY P.O., KOLLAM.

4. PARVATHY, D/O. KALYANI,
CHANDRA BHAVANAM HOUSE, PADANAYARKULANGARA,
THEKKUMURI, KARUNAGAPPALLY P.O.,
KOLLAM.

BY ADV. SRI.P.SATHISAN FOR R2
SRI K.K.RAJEEV
SRI.K.P.SATHEESAN FOR R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE,J.

W.P.(C) NO. 30047 OF 2006

Dated this the 27th day of November, 2006

J U D G M E N T

Exhibit P10 order passed by the Secretary of the Panchayat is impugned in this writ petition. As rightly submitted by Sri.P.Sathisan, counsel for the second respondent, the petitioner has an effective remedy by way of appeal against Exhibit P10. Mr.Siraj Karoly, learned counsel for the petitioner would invite my attention to the Division Bench judgment of this court in **Marimuthu v. Director General of Police (1999(3) KLT 662)** and submits that so long as the petitioner is a tenant by holding-over, the Panchayat is not justified in declining licence on ground of objection by the landlord. Counsel submitted that RCP No.11/06 has been preferred before the Rent Control Court of Karunagapally and directing the committee of the Panchayat to hear the appeal against Exhibit P10 will not serve any useful purpose. I do not agree. I am sure that if the judgment of this court in **1999(3) KLT 662** is cited before the Committee, they will give due regard to the principles laid down therein, if the same is applicable to the facts which obtain in the case.

2. Accordingly, writ petition will stand disposed of relegating the petitioner to his remedies by way of appeal against Exhibit P10. If the Committee of the Panchayat receives an appeal against Exhibit P10 within two weeks of petitioner receiving copy of this judgment, the Committee will entertain the appeal as one filed on time and dispose of the appeal in accordance with law with notice to the petitioner and all other affected persons including respondents 2, 3 and 4. Disposal of the prospective appeal shall be made by the Committee of the Ist respondent, Panchayat, at their earliest and at any rate within six weeks of receiving copy of this judgment.

In view of the above direction, maintainance of status quo passed in this case will continue till such time as the prospective appeal is disposed of.

PIUS C.KURIAKOSE, JUDGE

Rp